

From: Valient Gough
To: Microsoft ATR
Date: 12/27/01 5:40pm
Subject: comments on proposed settlement

To whom it may concern,

I am a software developer for a large internet retailer based in Seattle. Having followed the case against Microsoft over the years, I am dissatisfied with the results. In our company, all our developers (on the order of 1000) work on Linux systems. Also our hundreds of web servers and various online systems are running either Linux or another type of Unix.

But even though Linux is where all of our real work gets done, every developer also has another computer under their desks which runs Windows. That is because we sometimes have to open Excel spreadsheets or Word .doc files, which are notoriously difficult to decode. The greatest potential for a truly competitive marketplace comes from open source projects, not other companies. Microsoft knows how to deal with for-profit organizations -- they can make vapor ware announcements, sabotage competing programs, buy out competitors, basically use their enormous bank account against a poorly funded rival until the rival is dead. But this doesn't work against open source projects, which I believe is why they have succeeded against this gorilla where commercial enterprises have failed.

What bothers me about this proposed settlement is that it is not forward looking. It does not look to prevent Microsoft's illegal actions against what it perceives as the current threat (and our great hope) - open source software. Part of the proposed settlement stated that Microsoft could decide who gets information based on whether or not they were a viable business. This seems clearly an attempt to exclude open source software.

In order to really allow competition to bloom, here's what you need to address. Microsoft uses sleazy business tactics to destroy for-profit competitors. One solution would be to try and reign in their tactics. This is fraught with danger and likely doomed to failure because as long as they have the money and desire, they will find new and inventive ways of being sleazy. A slightly better solution would be to try and reduce their ability to act - by monetary fines, breaking up the company, etc. The problem is this doesn't separate the wheat from the chaff (the sleaze from the innovative technology), so you end up reducing both in proportion but you reduce the good just as much as the bad. If there is no way to make Microsoft compete fairly with other companies, then that just shows that the battle field to concentrate on is not the graveyard of its former competitors but the blooming competition from open

source.

It is here that you can make a real difference. The reason is that most of the sleazy tactics do not apply against grassroots open source projects. Instead of using sleazy tactics, Microsoft is forced to rely on tactics based in technology. Their primary technology-based tactic so far has to been to create interoperable and proprietary formats and use their monopoly power to push those formats across the board in an attempt to cut out competition. The reason I think this is where you have a chance at doing good is because this is where the future competition actually lies, and because technology can be easier to control then tactics - as technology leaves a physical existence (source code, run-time behavior) which can be witnessed and serves as a record.

The first step is to open up Microsoft's proprietary formats - to everyone under public domain. I think other people can speak better to other parts of a remedy, so I will limit myself to saying that from my experience, Microsoft's use of proprietary formats is the greatest technological stranglehold on their monopoly. They may have maintained their monopoly for years based on shutting out small competitors, but the real competition today is from open source. That is where you should be focusing remedies. It would take much greater effort to try and revive commercial competition from the dead - you should act on preserving an already existing and viable competition.

Additionally, there are many crossovers of hybrid open source and commercial enterprise entities. This is where open source projects become the basis for a small corporation providing either support or services. By providing the atmosphere for open source projects to interoperate with the widely installed base of Microsoft products, you can turn the fact that they are a monopoly into an advantage by providing an ample audience for new projects, which in turn will provide many opportunities for new companies to provide support and services, all of which are an advantage to the consumer.

regards,
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